



## Whistleblowing Policy

### 1. Introduction

Under certain circumstances, employees have legal protection if they make disclosures about organisations for whom they work.

The Public Interest Disclosure Act 1998 prevents employees from suffering a detriment or having their contract terminated for 'whistleblowing', and Churches Together in Milton Keynes Trust (hereafter called "CTMKT" or the "Trust") takes very seriously any concerns which employees may raise under this legislation.

We therefore encourage employees to be alert to wrongdoing and to inform management of any concerns. Employees should raise an issue when they first become concerned, rather than wait for proof or investigate the matter themselves.

This policy gives some information about whistleblowing to assist employees in deciding whether any proposed action would be protected under the whistleblowing legislation, and sets out the procedure to follow if employees reasonably believe that they have identified such malpractice.

It should be emphasised, however, that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by CTMKT, nor should it be used to reconsider any matters which have already been addressed under other procedures, such as harassment, complaint, or disciplinary.

Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the organisation.

### 2. Background Information

The legislation applies to employees who follow the procedures laid down in the legislation (see below) in disclosing specific categories of malpractice relating to one or more of the following actions:

- a. Financial malpractice or impropriety or fraud;
- b. A criminal offence;
- c. A failure to comply with a legal obligation;
- d. A miscarriage of justice;
- e. The endangering of an individual's health and safety;
- f. Damage to the environment;
- g. Deliberate concealment of information relating to any of the above.

### 3. Protection Under Whistleblowing Policy

- a. Disclosure to the *employer* will be protected, provided that it is made in good faith and the whistleblower has a reasonable suspicion that the alleged malpractice has occurred, is occurring, or is likely to occur.
- b. Disclosure to a *regulator* (eg Health and Safety Executive, Environment Agency, Charity Commission) will be protected where, in addition, the whistleblower honestly and reasonably believes that the information and any allegation in it are substantially true.
- c. Disclosure to *other bodies* will be protected if, in addition to the tests for regulatory disclosures, it is reasonable in all the circumstances and is not made for personal gain.

### 4. Procedure for Making a Disclosure

Employees are encouraged to use the following procedure if they are concerned about any wrongdoing at work.

In making a disclosure, they should exercise due care to ensure the accuracy of the information. If an allegation is made in good faith, which is not confirmed by subsequent investigation, no action will be taken against the employee. However, if the procedure has not been invoked in good faith (e.g. for malicious reasons or in pursuit of a personal grudge), then an employee will be liable to face disciplinary action, up to and including dismissal, as may be appropriate in the circumstances.

Employees should inform their line manager immediately if they become aware that any of the actions specified in section 2 is happening (or has happened, or is likely to happen). They will not be penalised for informing management about any of the specified actions and will be protected from reprisals.

If the allegation is about the actions of their line manager, the employee should raise the issue with the Chair of Trustees, or another Trustee if the Chair of Trustees is their line manager.

The staff member or Trustee to whom the disclosure is made will normally act as the Investigating Officer, unless the Trustees decide to nominate a more senior individual to act on their behalf. Nonetheless, it is important that there should be effective communication throughout the whole process between the staff member to whom the disclosure is made and the Chair.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence directly with the Chair.

However, the Chair has the right to refer the complaint back to management if they feel that the management can more appropriately investigate the complaint without any conflict of interest.

If the employee chooses not to report their concerns to CTMKT management or Chair they may take them directly to the appropriate external organisation or body.

Whistleblowers can ask for their concerns to be treated in confidence, and this will be respected so long as it does not hinder or frustrate any investigation. However, it should be borne in mind that the investigation process may reveal the source of the information, and the individual making the disclosure may need to provide a statement as part of the evidence required.

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

## 5. Timescales

Due to the varied nature of this type of complaint, it is not possible to lay down precise timescales for an outcome to be reached, as they may involve internal investigators and/or the police.

However, the investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

All communication with the complainant should be in writing and sent to their home address. Therefore the investigating officer should send a written acknowledgement of the concern to the complainant as soon as practically possible. If the investigation is a prolonged one, the investigating officer should keep the complainant informed of progress and an estimate of when it is likely to be concluded.

## 6. Investigating Procedure

The investigating officer should follow these steps:

- a. Obtain full details and clarification of the complaint.
- b. Consult with the Chair of Trustees and decide whether involving the Police is warranted at this stage. If there is evidence of criminal activity then the investigating officer should inform the police, but only after consultation with the Chair.
- c. CTMKT will ensure that any internal investigation does not hinder a formal police investigation.
- d. Inform the member of staff against whom the complaint is made as soon as is practically possible, and also inform them of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- e. Fully investigate the allegations with the assistance, where appropriate, of other individuals/bodies.
- f. Make a judgement about the complaint and its validity.
- g. Make a written report containing the full findings of the investigation, the reasons for the judgement, and any actions which CTMKT proposes taking following the investigation.
- h. Send a copy of the written report to the complainant and to the Chair.

Action by Others:

- i. The Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate CTMKT procedures against the person about whom the allegation is made.
- j. If appropriate, a copy of the outcome will be passed to the Board of Trustees by the Chair, to enable a review of the procedures.

## 7. Final Recourse

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant remains dissatisfied with the outcome, CTMKT recognises the lawful rights of employees and ex-employees to make disclosures to an appropriate organisation or body (such as the Health and Safety Executive, the police, or regulators), or, where justified, elsewhere.

This policy should be read in conjunction with the following policies:

- Conflict of Interest
- Complaints
- Confidentiality.